



GRAEBE

PATENT

In re the application of
William F. Graebe, Jr.

IN THE UNITED STATES
PATENT AND
TRADEMARK OFFICE

Serial No. 10/691,821

Group No. 3673

Filed: October 23, 2003

For: AIR CUSHION CONTROL SYSTEM

St. Louis, Missouri

Examiner: Singh, Sunil

October 10, 2006

Mail Stop Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

I. ELECTION

In response to the restriction requirement set forth in the Office action mailed August 8, 2006, Applicant hereby elects Species I, claims directed to Fig. 2, i.e., allowed claims 1-3, 6-16, 18, 19, 22, and 23 for examination, with traverse. In accordance with the Examiner's request, all claims not elected are canceled, claims directed to Fig. 9, i.e, claims 4, 5, 17, 20, 21, 24-36.

II. TRAVERSAL OF ELECTION

The Examiner has required restriction among two species because he contends that the claims drawn to Fig. 2 and Fig. 9 are "patentably distinct species."

The Commissioner may require restriction if two or more *independent and distinct* inventions are claimed in one application (35 U.S.C. § 121). In the present case, the claimed subject matter is illustrated in 14 drawing figures. The drawing figures are all directed to various embodiments of the same invention and the embodiments are not independent or distinct.

The Examiner has provided only non-specific conclusory statements in support of the restriction requirement. As stated in the MPEP 808, et seq., the